

UNITED STATES DISTRICT COURT

for the
District of New Mexico

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

United States of America

v.

Troy Livingston
DOB: XX/XX/2000

Case No.

19-MJ-971

APR 07 2019

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 6, 2019 in the county of McKinley in the
 District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 USC 1153
18 USC 1111(a)Offenses committed within Indian Country
Murder

This criminal complaint is based on these facts:

Please see attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

W. Monty Waldron, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

April 7, 2019



Judge's signature

City and state:

Farmington, NM

B. Paul Briones, US Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

VS

Troy Livingston
Year of Birth 2000

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)

Case No. 19-MJ-971

AFFIDAVIT IN SUPPORT OF PROBABLE

CAUSE TO ARREST

AFFIDAVIT

I, the undersigned, being duly sworn, hereby depose and state as follows:

Introduction and Agent Background

1. Your affiant is a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and has been employed in that capacity since September, 2007. Your affiant is currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency, and has primary investigative responsibility for crimes occurring within Indian Country; including violent crimes such as homicide, robbery, arson, aggravated assault, sexual assault and narcotics violations. The information set forth in this affidavit has been derived from an investigation conducted by an FBI Special Agent and/or communicated to him by other sworn Law Enforcement Officers. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and to support the probable cause arrest of Troy LIVINGSTON and does not set forth all of my knowledge about this matter. During the course of the investigation the following information was obtained:

Probable Cause

2. Your Affiant was contacted on April 6, 2019 by Navajo Criminal Investigator (CI) Ben Yazzie in regards to a murder that had taken place on the Navajo Indian Reservation. Navajo Police Officers were dispatched to a residence located at 53 Rodeo Road in Breadsprings, New Mexico. G.L., year of birth 1973 called the Navajo Police Department to report a domestic violence dispute between her son, Troy LIVINGSTON (LIVINGSTON), year of birth 2000, and his girlfriend, T.L., year of birth 1999 (hereinafter Jane Doe).

3. During an interview with G.L., G.L. stated she was home at 53 Rodeo Road when LIVINGSTON and Jane Doe returned home. G.L. stated that at approximately 3:00 a.m., the two were arguing and G.L. could sense tension between the two. G.L. heard crying from the bedroom and went in to see LIVINGSTON on top of Jane Doe with his fist raised. G.L. believes Jane Doe had already been hit because she was crying. LIVINGSTON told G.L. to get out of the bedroom which she did. G.L. heard more crying and again entered the bedroom to see LIVINGSTON stomping on Jane Doe with his foot. G.L. described Jane Doe as being in a ball with her arms and hands around her head. Again LIVINGSTON told G.L. to get out, so G.L. left the house. LIVINGSTON locked the door behind G.L. From outside, G.L. could hear screaming, thumping and banging.

4. After things quieted down, G.L. entered the home. G.L. stated that she could hear wheezing from just inside the bedroom door. G.L. stated at the time she did not know who was wheezing.

5. Approximately 30 minutes after G.L. entered the home, Navajo Police Officers arrived and knocked on the door. When no one answered, officers looked through the window and saw blood on the floor. Shortly thereafter, G.L. opened the door and officers made entry into the home. Officers observed lots of blood on the floor between the bedroom and the bathroom.

6. Navajo Police Officers entered the bedroom and found Jane Doe laying on the floor covered in blood and appeared to be badly beaten. Officers asked Jane Doe who had done this to her. Jane Doe replied, "Troy did this to me." Officers saw LIVINGSTON laying on the bed next to his two and a half year old toddler who did not appear to be physically harmed.

7. Emergency medical personnel arrived and transported Jane Doe to the Gallup Indian Medical Center. It is unknown by the Affiant if Jane Doe succumbed to her injuries prior to arriving at the hospital or shortly after arriving at the hospital. Affiant was informed by the Navajo Police Department that Jane Doe was deceased.

8. On the night of April 6, 2019, Special Agent David Loos and Navajo Criminal Investigator Ben Yazzie interviewed LIVINGSTON. After advising LIVINGSTON of his rights, LIVINGSTON stated that "I just got mad and took it too far, way too far." LIVINGSTON stated, "I still can't believe it, I killed her." LIVINGSTON stated that he was mad at her for sleeping with his friend as Jane Doe had finally admitted to doing it. LIVINGSTON stated he "just started hitting her" and took it too far. LIVINGSTON stated he hit Jane Doe with a flashlight and also used his foot. The incident took place in the bedroom and also the bathroom.

9. Pursuant to an authorized search warrant, a search of the residence located at 53 Rodeo Road had been conducted. A flashlight which appeared to have been used as a

weapon was seized. The flashlight had what appeared to be blood on it. Photographs of Jane Doe show circular wounds that appear to be consistent with the end of the flashlight.

Jurisdictional Statement

10. On April 6, 2019, Criminal Investigator Ben Yazzie confirmed that the location of the area that Navajo Police identified as the area where the incident occurred is within the boundaries of the Navajo Indian Reservation, which is Indian Country in the District of New Mexico. Further, LIVINGSTON is an enrolled member of the Navajo Nation.

Conclusion

11. In view of the above facts, your affiant submits that there is probable cause to believe that Troy LIVINGSTON, an enrolled member of the Navajo Nation, violated Title 18 United States Code (USC) 1111(a), in that he unlawfully killed Jane Doe with malice aforethought. The incident occurred at 53 Rodeo Road, Breadsprings, New Mexico, which is within the exterior boundaries of the Navajo Nation and is "Indian Country," in violation of Title 18, United States Code, Section 1153.

Respectfully Submitted,



SA W. Monty Waldron
Federal Bureau of Investigation
Albuquerque Division
Farmington Resident Agency

Submitted and sworn to
before me this 7th day
of April 2019.


UNITED STATES MAGISTRATE JUDGE